

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cefali, Eugenio
Serial No.: 08/962,421
Filing Date: 31 October 1997
Docket Number: 50454-56103USCIP3
Title: INTERMEDIATE RELEASE NICOTINIC ACID COMPOSITIONS FOR TREATING HYPERLIPIDEMIA WHICH EXHIBIT AN IN VIVO STAIR-STEPPED ABSORPTION CURVE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

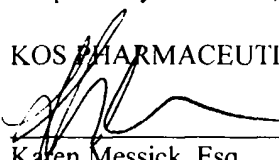
Enclosed for filing in the above-identified patent application are the following documents.

1. Response to the Office Action mailed 6 May 2003;
2. Petition for Extension of Time; and
3. Return Postcard.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

KOS PHARMACEUTICALS, INC.


Karen Messick, Esq.

Registration No. 46,256

Attorney for Applicants

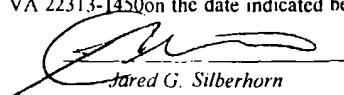
1001 Brickell Bay Drive
25th Floor
Miami, Florida 33131
Tel.: (305) 523 3643
Fax.: (305) 377 4076

Date: 11/6/03

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

11/6/03
Date


Jared G. Silberhorn

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE NOV 13 2003

TECH CENTER 1600/2900

In re Application of:

Serial No.:

Filing Date:

Docket Number:

Title:

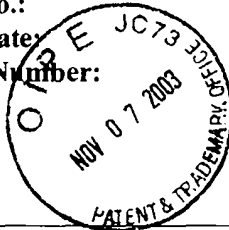
Cefali, Eugenio

08/962,421

31 October 1997

50454-56103USCIP3

INTERMEDIATE RELEASE NICOTINIC ACID COMPOSITIONS FOR
TREATING HYPERLIPIDEMIA WHICH EXHIBIT AN IN VIVO STAIR-
STEPPED ABSORPTION CURVE



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

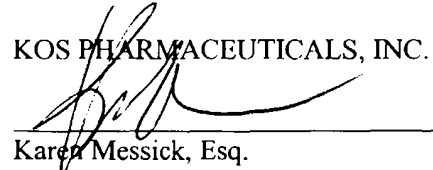
REQUEST FOR THREE-MONTH EXTENSION OF TIME

Applicants request a three (3) month extension of time up to and including 6 November 2003 for filing a Response pursuant to 37 C.F.R. §1.111 in the above-referenced case. Please charge the required fee of \$950.00 pursuant to 37 C.F.R. § 1.17(a)(3) to our Deposit Account No. 50-0943. In addition, please also charge any additional fees or credit any overpayment associated with this matter to our deposit account.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

KOS PHARMACEUTICALS, INC.


Karen Messick, Esq.

Registration No. 46,256

Attorney for Applicants

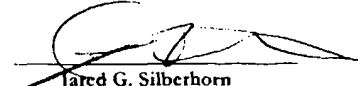
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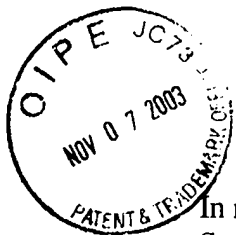
Date: 11/4/03

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In re Application of: Eugenio A. Cefali et al.
Serial No.: 08/962,421
Filing Date: October 31, 1997
Group Art Unit: 1615
Confirmation No.: 8845
Examiner: James M. Spear
Title: **INTERMEDIATE RELEASE NICOTINIC ACID
COMPOSITIONS FOR TREATING
HYPERLIPIDEMIA WHICH EXHIBIT AN IN VITRO
STAIR-STEPPED ABSORPTION CURVE**

November 6, 2003

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REPLY TO OFFICE ACTION

Sir:

In response to the Office Action mailed May 6, 2003 in connection with the above-identified application for U. S. patent, please amend the above-referenced application as follows.

Amendments To The Claims are reflected in the Listing of Claims, which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.